

REMARKS

Claims 1-3, 5-7, 9-11 and 13-19 are pending in the present application. With entry of this amendment, Applicants amend claims 1, 5, 9, 13 and 19. Reexamination and reconsideration are respectfully requested.

The Examiner rejected the claims under 35 U.S.C. § 102(b) as being anticipated by Wisner (US 6385596 B1). The rejection is respectfully traversed.

Conventionally, a user can obtain a preview version of a song, such as from the Internet. If the user likes it, he or she can order a purchase version. This approach has many drawbacks. One drawback is that two versions of the song – the preview version and the purchase version – are sent separately to the user.

The present invention overcomes the drawbacks of the conventional approach by storing performance data, such as for a song, with “reproduction limiting information.” For example, Fig. 2 illustrates an exemplary configuration of performance data. Fig. 2(1) shows the performance data includes control data, such as timbre information, as well as performance events, such as a note event at time 1920. The performance data also includes “reproduction limiting event LE.” Fig. 2(2) illustrates that the reproduction limiting event LE in further detail. For example, the reproduction channel limiting information L1 is used to limit the reproduction channels of the performance data to a single specified channel. Reproduction end bar limiting information L2 is used to limit the reproduction time, and so on.

What is important to appreciate is that the reproduction limiting information is part of the performance data (such as illustrated in Fig. 2), but is only read when the usage right is for a preview. In this case, the reproduction limiting information is read to limit the reproduction of the performance data accordingly. However, if the usage right is for preview, the reproduction limiting information is not read and performance data is reproduced without limitation. In this way, a single version of the performance data can be stored and then reproduced differently for preview or purchase based on the reproduction limiting information contained in the performance data.

Applicants have amended claim 1 to recite “a limiting information read section that reads the reproduction limiting information from the performance data when the identified usage right indicates the preview, *and does not read the reproduction limiting information from the performance data when the identified usage right indicates the purchase . . .*” Applicants have further amended claim 1 to recite “a reproduction control section that specifies a portion of the performance according to the read reproduction limiting information *when the identified usage right indicates the preview*, then reproduces only the specified portion of the performance data, and does not reproduce other portions of the content of the performance data than the specified portion, *the reproduction control section reproducing all of the performance data when the identified usage right indicates the purchase.*”

Independent claims 5, 9 and 19 have been similarly amended.

In contrast, Wiser does not disclose at least the above two recitations. Wiser discloses a music distribution center 124 and a client system 126 as illustrated in Fig. 1. Media data files 200 are stored in the master media file system 120 of the music distribution center and then delivered to a media player 116 of the client for playback. Each media data file has one or more audio images 208. (See Fig. 2.) The audio images can be of a full song or a portion/clip and can be at varying qualities. (See Col. 7, lines 4-16 and Col. 3, lines 51-63.) The media file also includes “clip and song information” that defines the duration of the song or clip, starting time, etc. (See Fig. 2 at 214 and Col. 7, lines 56-62.)

From the Office Action, it is difficult to understand what the Examiner considers as meeting the above two recitations.

At page 3, second bullet point, the Examiner refers the ability to preview a song with media player 116 and cites the paragraph discussing clip and song information 214. Clip and song information as discussed above simply provides the duration of the song or clip in the media file, starting time, etc. In other words, this information is simply the profile information of the audio

image 208. Wiser does not disclose that the clip and song information 214 is used to limit the reproduction of the song or clip that it profiles.

Moreover, Wiser certainly does not disclose that such information is read for a preview, but not read for a purchase. Col. 15, line 62 to Col. 16, line 25 describes how a media player deals with a received media file for preview, while Col. 19, line 33 to Col. 20, line 7 describes how a media player deals with a received media file for purchase. There is no disclosure in these two sections that the clip and song information is read for preview, but not read for purchase.

Applicants note that Col. 15, lines 56-65 refers to media information being sent to the player before the media data file is sent. This information is clearly sent separately from the media data file and, thus, does not meet the recited reproduction limiting information being contained in the performance data.

At page 3, fourth bullet point, of the Office Action, the Examiner refers to a system limiting reproduction and copies of content. At Col. 3, lines 33-50, Col. 4, lines 42-50 and Col. 7, lines 27-37, cited by the Examiner, Wiser discloses various security protocols. Some of the protocols – such as the user's identity or confidential information – are unrelated to information contained in performance data for limiting reproduction. Other protocols, such as encrypting the song, are read regardless of the usage right. Whether the audio image is of the highest quality or lowest quality, if it is encrypted, it will have to be decrypted to be played by the media player. In contrast, the recited reproduction limiting information is only read when the usage right is for a preview.

Accordingly, Applicants respectfully submit that Wiser does not anticipate claims 1, 5, 9 and 19 and their respective dependent claims for at least the reasons set forth above.

Claim 13 is directed to a server comprising a transmitting section that transmits data of a song to a user terminal through the communication network. Claim 13 recites that the data of the song comprises “performance data representing a content of a music performance of the song and

containing reproduction limiting information for limiting a reproduction state of the content of the music performance.”

Applicants have amended claim 13 to make clear that the transmitted reproduction limiting information contained in the song data is read when the usage right indicates preview and not read when the usage right indicates purchase. In contrast, Wiser does not disclose a server sending reproduction limiting information contained in the performance data that is read for preview by a terminal but not read for purchase by the terminal. Accordingly, Applicants respectfully submit that claim 13 is not anticipated by Wiser. Applicants also respectfully submit that claims 14 and 15, which depend from claim 13, are not anticipated by Wiser for at least these reasons.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss the steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032043200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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